

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 EDWARD W. BERRY, JR.,

5 Plaintiff,

6 v.

7 STATE OF NEVADA, *et al.*,

8 Defendants.
9

Case No. 2:15-cv-01952-APG-VCF

**ORDER ACCEPTING REPORT &
RECOMMENDATION**

(Dkt. #2)

10 Plaintiff Edward W. Berry, Jr. represents himself in this civil rights action and was
11 granted in forma pauperis status. (Dkt. #2.) On October 23, 2015, Magistrate Judge Ferenbach
12 entered a report and recommendation that I dismiss the complaint with leave to amend to name
13 defendants who are not immune from suit and who are responsible for the alleged misconduct,
14 and to add sufficient factual allegations to show a plausible entitlement to relief. (Dkt. #2.)
15 Plaintiff Edward Berry, Jr. did not file an objection. I nevertheless conducted a de novo review of
16 the issues set forth in the report & recommendation. 28 U.S.C. § 636(b)(1).

17 Judge Ferenbach sets forth the proper legal analysis and factual basis for the decision.
18 Additionally, I note that Judge Ferenbach's report and recommendation was returned in the mail.
19 (Dkt. #4.) It appears Berry has failed to comply with Local Rule of Special Proceedings 2-2,
20 which requires a pro se plaintiff in a civil rights case to immediately notify the court of any of
21 change of address. (*Id.*) "Failure to comply with this Rule may result in dismissal of the action
22 with prejudice." LSR 2-2.

23 IT IS THEREFORE ORDERED that Judge Ferenbach's report and recommendation (**Dkt.**
24 **#2)** is accepted and the complaint (**Dkt. #3)** is **DISMISSED** without prejudice.

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1 IT IS FURTHER ORDERED that that plaintiff Edward W. Berry, Jr. shall file an
2 amended complaint and update his address on or before January 29, 2016, or this case will be
3 closed.

4 DATED this 17th day of December, 2015.

A handwritten signature in dark ink, appearing to read 'A. P. Gordon', is written over a horizontal line.

6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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